

### **REMARKS**

By this Amendment, Applicant has amended the drawings. No new matter has been added. Claims 1-4 remain pending on the merits.

In the Office Action, the Examiner objected to the drawings and rejected claims 1-4 under 35 U.S.C. § 102(e) as being anticipated by Yamagata (U.S. Patent No. 6,263,106).

With respect to the objection to the drawings, the Examiner objected to Fig. 2 because "'sampled'" is misspelled in figure 2, element #S160." Office Action at 2. Applicant appreciates the Examiner's identification of that typographical error, and Applicant has amended Fig. 2 to replace "samled" with "sampled" in block S160. Therefore, Applicant respectfully requests reconsideration and withdrawal of the objection to the drawings.

In the Office Action, the Examiner rejected claims 1-4 under 35 U.S.C. § 102(e) as being anticipated by Yamagata. Claims 1 and 4 are the independent claims rejected under § 102(e) based on Yamagata, and Applicant respectfully traverses the rejection of those claims because the Yamagata reference does not disclose all of the subject matter recited in those independent claims, as will be explained in more detail below.

#### **Independent Claim 1**

Applicant's invention as recited in independent claim 1 is directed to a photographing device capable of adjusting image sizes, including an image capturing unit for capturing an image of a subject and generating corresponding image signals. The device further includes a first memory for compressing the image signals output by

the image capturing unit per frame and storing the compressed image signals, and a second memory for restoring the compressed image signals and storing the restored image signals. The device further includes a selection unit for selecting photographing modes that stores one frame image signals as the size of a first mode or a second mode. The device also includes a microprocessor for restoring the corresponding image signals stored in the first memory, storing the restored image signals in the second memory, deleting the image signals of the first memory, sampling the restored image signals of the second memory, compressing the sampled image signals according to a compression ration corresponding to the second mode, and storing the compressed image signals in the first memory when a user wishes to modify the image signals captured by the first mode size into image signals of the second mode size, the size of the first mode being greater than that of the second mode.

The M.P.E.P. advises that in order “to anticipate a claim, the reference must teach every element of the claim.” § 2131. Applicant respectfully submits that the Yamagata reference does not teach every element of independent claim 1.

For example, the Yamagata reference does not disclose or suggest a photographing device capable of adjusting image size, including a selection unit for selecting photographing modes that stores one frame image signals as the size of a first mode or a second mode, and a microprocessor for storing compressed image signals of in a first memory when a use wishes to modify the image signals captured by the first mode size into image signals of the second mode size, the size of the first mode being greater than that of the second mode.

The Yamagata reference simply does not relate to adjusting image size. Rather, the Yamagata reference relates to an image compression device that enables a user to select image data that is prevented from being compressed.

The Yamagata reference relates to an image data compression device employed in an image data processing apparatus such as a still video camera. As a user of the still video camera takes and stores photographs, an IC memory card stores image data files. As the user takes more photographs, available storage space in the IC memory card is filled. Thus, if the user desires to take additional photographs, another IC memory card may be needed. Alternatively, instead of replacing the original IC memory card, the user may delete or compress image data already stored in the original IC memory card. A user may be more likely to convert image data previously stored in the original IC memory card to avoid losing images.

Once the image data is stored in the IC card memory, however, it may be difficult to identify the image data contained in each file without reproducing the images from the image data on either a display screen or in hardcopy form. For example, since it may be difficult for the user to identify which images should be saved in an uncompressed, high quality form, and which may be stored in a compressed, relatively lower quality form without reproducing the images, it may be difficult for the user to select which files to compress in order to free up space on the original IC memory card. If image data of an image that the user wishes to retain in an uncompressed, higher quality form stored in the IC memory card is compressed, information will be lost from the image data, and an image reproduced from the compressed image data may be deteriorated.

The Yamagata reference relates to providing an image data compression device, which enables a user of a still video camera to select image data that in order to inhibit it from being compressed, so that the user does not lose image data from image files that the user does not want deteriorated. Yamagata discloses that a number of image data files recorded by the image data compression device may be stored in an IC memory card in either an uncompressed format, in a low-compression format, or in a high-compression format. In order to free up memory for additional image data files on the original IC memory card, user-selected uncompressed or low-compression format files existing on the IC memory card may be recalled and compressed into image data files in the next higher level of compression format, which replace the image data files previously in either the uncompressed or low-compression format. The Yamagata reference discloses that a set of data flags in an image data compression device corresponding to each of the existing image data files on the IC memory card may be set at the time of recording by an operating switch, so that the selected images may be excluded from those available for further compression, so that the user may mark image data files to be kept at a higher (e.g., uncompressed) image quality.

In contrast, according to exemplary embodiments of Applicant's claimed invention, Applicant's photographing device relates to a device and method capable of adjusting sizes of captured images by an image camera for electrically capturing images of subjects. When using Applicant's exemplary image camera (e.g., a digital still camera) sizes of the image data files captured and stored according to photographing modes are varied. For example, in large size mode for printing captured images, the number of pixels per frame may be increased and a compression rate may be

decreased in order to obtain better image quality. Since the image data file may be greater in size in the large size mode as the number of the pixels is increased, the number of the frames that can be stored in memory is smaller. On the other hand, in the a small size mode for photographing many images, the number of the pixels per frame is reduced compared to the large size mode. Therefore, the image data file of the small size mode is relatively smaller and the number of images that may be stored in the memory may be greatly increased relative to the number of images that may be stored in the large size mode. Applicant's invention as claimed provides a photographing device for modifying captured image data stored in a memory in a large size mode into image data of a small size mode and storing the modified data in the memory.

For at least the above-outlined reasons, the Yamagata reference does not disclose or suggest a photographing device capable of adjusting image size, including a selection unit for selecting photographing modes that stores one frame image signals as the size of a first mode or a second mode, and a microprocessor for storing compressed image signals of in a first memory when a use wishes to modify the image signals captured by the first mode size into image signals of the second mode size, the size of the first mode being greater than that of the second mode. Therefore, Applicant's independent claim 1 is patentably distinguishable from the Yamagata reference.

#### Independent Claim 4

Applicant's invention as recited in independent claim 4 is directed to a photographing method capable of adjusting image sizes, including restoring image

signals captured by a first mode size and stored in a first memory and storing the restored image signals in a second memory. The method further includes determining whether to select a modification operation for modifying the image signals captured by the first mode size into those of the second mode size and deleting the image signals stored in the first memory when the modification operation is selected. The method also includes sampling the image signals restored in the second memory and compressing the sampled image signals according to a compression ratio corresponding to the second mode, and storing the compressed image signals in the first memory.

For reasons at least similar to those outlined above with respect to claim 1, the Yamagata reference does not disclose or suggest a photographing method capable of adjusting image sizes including restoring image signals captured by a first mode size and stored in a first memory and storing the restored image signals in a second memory, compressing sampled image signals restored from the second memory, and storing the compressed image signals in the first memory.

For example, as outlined above, the Yamagata reference does not relate to adjusting image sizes. Rather it relates to an image data compression device that enables a user of a still video camera to select image data in order to prevent the selected image data from being compressed. For at least this reason, Applicant's independent claim 4 is patentably distinguishable from the Yamagata reference.

The other cited references, Hayashi (U.S. Pat. App. Pub. No. 2001/0012061) and Gouhara et al. (U.S. Patent No. 6,084,633), taken individually or in combination, fail to overcome the deficiencies of the Yamagata reference. Therefore, Applicant's independent claims 1 and 4 should be allowable.

Conclusions

For at least the reasons set forth above, independent claims 1 and 4 should be allowable. Dependent claims 2 and 3 depend from independent claim 1. Consequently, those dependent claims should be allowable for at least the same reasons claim 1 is allowable. Therefore, Applicant respectfully requests reconsideration of this application, withdrawal of the outstanding claim rejection, and the allowance of claims 1-4.

If the Examiner believes that a telephone conversation might advance prosecution of this application, the Examiner is cordially invited to call Applicant's attorney at 571-203-2739.

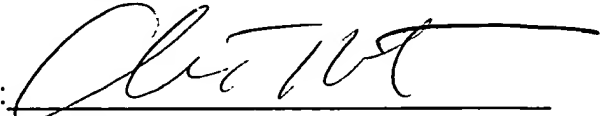
Applicant respectfully submits that the Office Action contains numerous assertions concerning the related art and the claims. Regardless of whether those assertions are specifically addressed herein, Applicant respectfully declines to automatically subscribe to them.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 6-0916.

Respectfully submitted,

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GARRETT & DUNNER, L.L.P.

Dated: December 6, 2004

By:   
Christopher T. Kent  
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**Attachments:** Marked-up Copy of One Originally-filed Drawing Sheet  
One Replacement Drawing Sheet